EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TIFFANY HSUEH,

Plaintiff,

-against-

THE NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES, a/k/a THE DEPARTMENT OF FINANCIAL SERVICES and ABRAHAM GUEVARA, individually,

Defendants.

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September 16, 2016
9:00 a.m.

DEPOSITION of ANDREW JOE held at the State of New York Office of the Attorney General, 120 Broadway, 24th Floor, New York, New York before ELIZABETH C. GLENNON, a Notary Public of the State of New York.

A. Those are the only ones I know of.
Q. You said Madison was one, meaning there were others?
A. There could be others.
Q. You are not aware of any others?
A. No.
Q. But you are aware of the Madison Rivers one?
A. Ys.
Q. Why are you aware of that one?
A. I remember it and seeing it here reminded me of it.
Q. You said you recovered the recording on July 9th?
A. Yes.
Q. Can you explain how you recovered it?
A. Yes. I'm sorry. I was asked to recover July 9th, and I recovered it July 10th.
Q. How did you recover it?
A. Off of my back up drive.
Q. It was on your back up drive?
A. Yes.
Q. Of your computer?
A. It's a back up drive I use to back up both of our computers.

Q. Was it difficult to recover?
A. It took me some time to remember I had the back up drive.
Q. That you had a back up drive or that this was on the drive?
A. It took time to remember that I even had the back up drive, that it would be a place to look for it.
Q. Did you recall the recording would be on the back up drive?
A. I didn't remember it going in. I just thought I have a back up drive so let me see if it's there.
Q. Is that the only place you looked?
A. No.
Q. Where else?
A. Tiffany's computer.
Q. Was it there?
A. No.
Q. Where was the second place you looked?
A. I looked throughout her computer. After it wasn't there -- this was on the Saturday -- I looked on her computer, didn't find it, went to sleep. We went about our business on Sunday. I checked her computer again, tried to search in a different method,

and then I remembered that I had the back up drive.

Q. Once you remembered you had the back up drive, how did you go about recovering the recording from there?

A. I plugged it in, and checked one of the my documents folders on the drive.

Q. So once you knew where it was, it wasn't difficult to recover?

A. Right. I needed to remember I had the drive.

Q. And the drive is the second place you looked?

A. Right.

Q. How did you feel when you were able to recover the recording?

A. I felt relieved.

Q. Why is that?

A. Because we had it, and we could move on with the rest of the case.

Q. How did Tiffany feel or what was Tiffany's response when you told her the recording was recovered?

A. Just that's great and she was going to send it to Josh.

Q. Was the entire recording recovered?

A. As far as I know, yes.

March, February, March, April of 2015.

Q. Do you know why she would have thrown out the recorder?

A. No.

Q. Was it not functioning?

A. I don't know. We threw out a lot of stuff when we moved.

Q. Do you know how she got the recorder?

A. I don't know.

Q. Did you give it to her?

A. No.

Q. When you found the file on your hard drive, I take it this was an MP3 file?

A. Yes.

Q. Did you find other MP3 files on the hard drive?

A. Music files, but they were in a separate music folder.

Q. Where was this file? Was it in a separate folder from the music files? Was it in a file at all?

A. So on the drive, I think I had it as there was a folder for me, folder for Tiffany. In the folder for Tiffany, I had made sub-folders. One was my documents folder. It was in that my documents folder just there that I found this MP3.